

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HANS MOKE NIEMANN,

Plaintiff,

v.

SVEN MAGNUS ØEN CARLSEN A/K/A

MAGNUS CARLSEN, et al.,

Defendants.

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Case No.: 4:22-cv-01110-AGF

DEFENDANT CHRISTOPHER HIKARU NAKAMURA’S MOTION TO DISMISS

COMES NOW, Defendant Christopher Hikaru Nakamura (“Mr. Nakamura”), by and through his undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(2), Conn. Gen. Stat. § 52-196a, and Federal Rule of Civil Procedure 12(b)(6), hereby moves to dismiss the Second Amended Complaint of Plaintiff Hans Moke Niemann (“Plaintiff”). In support of his Motion, Mr. Nakamura states as follows:

1. Plaintiff, a Connecticut citizen, has asserted various claims against, among others, Mr. Nakamura, a Florida citizen, relating to Mr. Nakamura’s alleged expression of his opinions online, while he was in Florida and which were not directed towards Missouri. There is no basis, much less a basis sufficient to satisfy the Due Process Clause and Missouri’s long-arm statute, for the exercise of personal jurisdiction over Mr. Nakamura in this case.

2. Moreover, and though the Court need not reach this issue, Plaintiff’s claims against Mr. Nakamura also fail on the merits.

3. Plaintiff’s Clayton Act claims (Counts III and IV) fail for myriad reasons—particularly as directed to Mr. Namakura. Plaintiff does not allege an antitrust injury; does not allege a well-defined market; does not plausibly allege an agreement among Defendants; does not

plausibly allege that any such agreement unreasonably restrained trade; and does not plausibly allege the elements of a supposed “attempted-monopolization” claim.

4. Each of Plaintiff’s Counts I (state law slander), II (state law libel), V (state law tortious interference), and VI (state law civil conspiracy) is barred by Connecticut’s anti-SLAPP statute and otherwise fails to state a claim. As to Counts I and II, Plaintiff fails to identify specifically which alleged opinions or statements attributed to Mr. Nakamura in the Second Amended Complaint form the basis of these claims but, regardless, statements of opinion and statements that Plaintiff himself admits are true are non-actionable. Further, Plaintiff has not plausibly alleged actual malice. As to Counts V and VI, these claims necessarily fail because Plaintiff’s other claims fail, but also fail because Plaintiff has not adequately alleged that Mr. Nakamura had knowledge of any purported contracts or business expectancies with which he supposedly interfered and because Plaintiff has also not plausibly alleged how Mr. Nakamura engaged in some undefined conspiracy with the other Defendants.

5. Mr. Nakamura incorporates herein his Memorandum in Support of Motion to Dismiss, filed contemporaneously herewith.

WHEREFORE, Defendant Christopher Hikaru Nakamura prays this Court enter an Order granting his Motion to Dismiss for lack of personal jurisdiction; or, alternatively, should the Court consider the merits of Plaintiff’s claims, Mr. Nakamura prays this Court dismiss Plaintiff’s Counts III and IV for failure to state a claim; and also dismiss Plaintiff’s Counts I, II, V, and VI pursuant to Conn. Gen. Stat. § 52-196a, with Mr. Nakamura awarded his attorneys’ fees and costs or, alternatively, dismiss Plaintiff’s Counts I, II, V, and VI for failure to state a claim.

Respectfully submitted,

LEWIS RICE LLC

Dated: January 24, 2023

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